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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,590	08/25/2003	Ricky W. Purcell	18602 (27839-2528)	4252

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EXAMINER
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ROANE, AARON F

ART UNIT	PAPER NUMBER
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3769

NOTIFICATION DATE	DELIVERY MODE
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05/07/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.

10/648,590

Examiner

Aaron Roane

Applicant(s)

PURCELL ET AL.

Art Unit

3769

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 1/6/2009 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Applicant has amended claim 10 to depend directly from claim 6. The subject matter of claim 10 (and claim 6) negligibly differs from the subject matter of claim 12, which also was and still is rejected, so the amendment causes no new matter issues and/or no new issues. Presently the status of the claims is: Claims 6, 7, 10-12, 14-16, 29-31, 34 and 36 stand rejected.

/Henry M. Johnson, III/  
Supervisory Patent Examiner, Art Unit 3769

/Aaron Roane/  
Examiner, Art Unit 3769